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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: JOHANSEN=3

In re Application of:)	Art Unit: 1771
)	
Fridtjov JOHANSEN)	Examiner: J. Pierce
)	
Appln. No.: 09/746,560)	Washington, D.C.
)	
Date Filed: December 26, 2000)	Confirmation No. 1686
)	
For: ENVIRONMENTALLY)	October 18, 2002
FRIENDLY INSULATING...)	

REPLY TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

Replying to Paper No. 7, a restriction requirement
mailed September 18, 2002,

applicant hereby respectfully and provisionally
elects Group I, directed to an environmentally friendly
insulating material, and presently comprising claims 1-9 and
13-15, with traverse and without prejudice.

Applicant respectfully submits that the character of
the elected product depends in part on the manner in which it
is produced. In this regard, applicant requests the examiner
to please note that according to claim 1, the broadest claim
in the elected Group I, the claimed product is

characterized in that the insulating material consists of fabric remnants which are shredded into a shoddy mass and then mixed with flax fibers and a fibrous polyester..., which is then moulded into the desired shape and heat-treated until the polyester fibres melt, binding the fabric and flax fibres together.

This is fully consistent with the method of claim 10, Group II. With respect, it should be clear that the method and the resultant elected product constitute one and the same invention.

Moreover, even if the restriction requirement were proper, it should still be withdrawn under the provisions of the second paragraph of MPEP 803 which **requires** examination of plural groups, even though the requirement is proper, if such examination of plural groups would not constitute a "serious burden". For the reasons pointed out above, it is clear that both the method and the product are closely related, the product being a result of the claimed method.

Therefore, it is clear that a complete examination of the elected product cannot be carried out without a full consideration of the process. Thus, even though the groups are separately classified, the method must be considered to fully examine the elected product, and it would not constitute a serious additional burden to also examine presently non-elected claims 10-12.


Please also note that claim 10 depends from and incorporates the subject matter of claim 1.

Accordingly, applicant respectfully requests reconsideration, withdrawal of the restriction requirement, and an examination of both groups on the merits.

Respectfully submitted,

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